

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MARY E. HARPER,	)	CASE NO. 3:22-CV-00517-YY
	)	
Plaintiff,	)	HON. JAMES R. KNEPP II
	)	
Vs.	)	
	)	
UNIVERSITY OF TOLEDO, et al.	)	<b><u>PLAINTIFF'S MOTION FOR</u></b>
	)	<b><u>LEAVE TO AMEND</u></b>
Defendants.	)	<b><u>COMPLAINT</u></b>
	)	

Pursuant to Federal Rule of Civil Procedure 15(a), Plaintiff Mary E. Harper seeks leave to amend the Complaint which commenced this action in order to remove Janelle Schaller as a defendant and also to provide additional detail as to Plaintiff's causes of action. A copy of a proposed First Amended Complaint is attached hereto. Good cause exists to grant this request.

**MEMORANDUM IN SUPPORT**

**I. BACKGROUND INFORMATION**

This case was commenced in April 2022 on a *pro se* basis in United States District Court in the District of Oregon. The Defendants filed a Motion to Dismiss in June; the response to that Motion is due on or before August 3, 2022. As of the filing of this Motion for Leave, no case management conference has been scheduled, nor have any deadlines have been established by the Court.

Plaintiff retained counsel earlier this month to represent her in this proceeding. After the Plaintiff's counsel reviewed the underlying facts, it was determined that certain of the claims asserted by the Plaintiff in her original complaint could be revised, and also that the case needed to be transferred to the Northern District of Ohio. Said transfer occurred on July 25, 2022.

## **II. LEGAL ARGUMENT**

Cases should be decided on their merits whenever possible. *See, e.g., Ames v. Department of Youth Services*, S.D. Ohio Case No. 2:20-cv-5935, 2021 WL 1815066, \*1 (S.D. Ohio May 6, 2020) (quotation omitted). The mandate of Rule 15(a), therefore, is that leave to amend “shall be freely given when justice so requires.” *See Flint v. Mercy Health Regional Medical Center, LLC*, N.D. Ohio Case No. 1:19cv610, \*4 (N.D. Ohio Nov. 25, 2019). Rule 15(a), accordingly, contemplates a liberal amendment policy. *Tucker v. Union of Needletrades, Indus. & Textile Employees*, 407 F.3d 784, 788 (6<sup>th</sup> Cir. 2005).

No prejudice will result if the requested amendments to the original Complaint are permitted. No answer has been filed in response to the original complaint and there is no trial, discovery or dispositive motion cutoff in this proceeding.

Based on the foregoing, leave should be granted to the Plaintiff to file her First Amended Complaint.

Respectfully submitted:

/s/ Ellen M. Kramer  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 29, 2022 I electronically filed the foregoing MOTION FOR LEAVE TO AMEND COMPLAINT with the Clerk of the Court using the CM/ECF system which will also send such notification to counsel for the Defendants.

/s/ Ellen M. Kramer